

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WENDELL MAURICE CLARK,

Petitioner,

v.

JASON BENNETT,

Respondent.

Case No. 3:24-cv-06036-MJP-TLF

ORDER FOR SERVICE AND
ANSWER, 28 U.S.C § 2254
PETITION

This is a federal habeas action filed under 28 U.S.C. § 2254. Petitioner is currently incarcerated at Stafford Creek Corrections Center and is subject to the Court's Mandatory Electronic E-Filing Initiative pursuant to General Order 02-15 and 06-16. Petitioner named Jason Bennett as respondent in his petition. Dkt. 1. Under Rule (2)(a) of the rules governing § 2254 cases in the United States District Courts, "If the petitioner is currently in custody under a state-court judgment, the petition must name as respondent the state officer who has custody."

The Superintendent of Stafford Creek Corrections Center is Scott Speer. The Court, having reviewed petitioner's federal habeas petition, hereby finds and ORDERS as follows:

(1) The Clerk of Court is directed to substitute **Scott Speer** as the respondent. The Clerk of Court is also directed to update the case title.

1 (2) The Clerk is directed to issue the Notice of Option of Consent to
2 Magistrate Judge Theresa L. Fricke.

3 (3) The Clerk shall arrange for service by email upon respondent and upon
4 the Attorney General of the State of Washington, of copies of the petition (Dkt. 1) and of
5 this Order. The Clerk shall also direct a copy of this Order and of the Court's *pro se*
6 instruction sheet to petitioner.

7 (4) Within ***forty-five (45) days*** after such service, respondent(s) shall file and
8 serve an answer in accordance with Rule 5 of the Rules Governing Section 2254 Cases
9 in United States District Courts. As part of such answer, respondent(s) shall state
10 whether petitioner has exhausted available state remedies and whether an evidentiary
11 hearing is necessary. Respondent(s) shall not file a dispositive motion in place of an
12 answer without first showing cause as to why an answer is inadequate. Respondent(s)
13 shall file the answer with the Clerk of the Court and serve a copy of the answer on
14 petitioner.

15 (5) The answer will be treated in accordance with Local Rule LCR 7.
16 Accordingly, on the face of the answer, respondent(s) shall note it for consideration no
17 earlier than 28 days after filing. Petitioner may file and serve a response not later than
18 21 days after the filing date of the answer, and respondent(s) may file and serve a reply
19 not later than 28 days after the filing date of the answer.

20 (6) Filing by Parties, Generally

21 All attorneys admitted to practice before this Court are required to file documents
22 electronically via the Court's CM/ECF system. Petitioner shall file all documents
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1 electronically. All filings must indicate in the upper right hand corner the name of the
2 magistrate judge to whom the document is directed.

3 Any document filed with the Court must be accompanied by proof that it has
4 been served upon all parties that have entered a notice of appearance in the underlying
5 matter. Petitioner shall indicate the date the document is submitted for e-filing as the
6 date of service.

7 (7) Motions

8 Any request for court action shall be set forth in a motion, properly filed and
9 served. Pursuant to LCR 7(b), any argument being offered in support of a motion shall
10 be submitted as a part of the motion itself and not in a separate document. The motion
11 shall include in its caption (immediately below the title of the motion) a designation of
12 the date the motion is to be noted for consideration on the Court's motion calendar.

13 (8) Direct Communications with District Judge or Magistrate Judge

14 No direct communication is to take place with the District Judge or Magistrate
15 Judge with regard to this case. All relevant information and papers are to be directed to
16 the Clerk.

17 Dated this 26th day of December, 2024.

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21 Theresa L. Fricke
22 United States Magistrate Judge
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